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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,344	01/11/2002	Jakke Makela	4208-4044	7513
27123	7590	10/20/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			NAWAZ, ASAD M	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/042,344

Applicant(s)

MAKELA ET AL.

Examiner

Asad M. Nawaz

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-13, 29-32 and 34-42 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☐ Claim(s) 1-4, 6-13, 29-32 and 34-42 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/16/05.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This action is in response to the amendment filed on 7/20/05. Claims 5 and 33 have been canceled. No new claims have been added. Claims 1-4, 6-13, 29-32, and 34-42 are pending.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6, 10-13, 29-31, 33-34, and 38-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Fishman et al, 6,871,236 (Fishman hereafter).

4. As per claim 1, Fishman teaches as system for portable networking of multi-user applications, comprising: at least one wireless hand-held user terminal (274, fig. 2., mobile phone is a wireless terminal, and a portable hand-held user device operating as a wireless server (250, fig. 2., mobile gateway is functionally equivalent as portable server) including a mass memory module to store and communicate data with said at least one wireless user terminal (col. 7, lines 29-32., storage devices such as hard disk drive (32, fig. 2) and/or magnetic disk drive (28, fig. 2) store program data used to communicate with wireless device; wherein a wireless protocol communicates the data

between said wireless server and said at least one wireless user terminal via a wireless link (col. 8, lines 9-10', wireless gateway server' (250, fig. 2) communicates wirelessly with mobile phone (274, fig. 2)).

As per claim 29, Fishman discloses the method for portable networking of multi-user application, comprising: storing multi-user data in the mass memory of a portable hand-held user device operating as a wireless server (col. 7, lines 29-32', col. 8, lines 9-10), wireless server stores and customizes email data for plurality of wireless clients); initiating wireless communication between said portable wireless server and at least one wireless hand-held user terminal device (col. 7, line 64 - col. 8, line 1, col. 8, lines 9-10., mobile gateway server establishes wireless communications with wireless clients); transmitting data stored in said mass memory to said wireless user terminal device using a wireless protocol (col. 8, lines 9-11 ; col. 9, lines 26-27, wireless server sends customized email data to plurality of wireless clients); and executing of said multi-user data by said wireless user terminal device transmitted by said portable wireless server (col. 11, lines 32-36, after receiving notification alert data from wireless server, mobile client uses the data to request additional data from server).

Claim 42 is rejected by similar rationale as claim 29.

As per claims 2 and 30, Fishman discloses the wireless terminal further comprises: a user interface that allows the user to request data from said mass memory module (col. 8, line 10., user interface such as a keypad or screen is an inherent component in a mobile phone device used to request data from server); a wireless

communication interface for communicating data between said portable wireless server and said at least one wireless user terminal (col. 8, line 10', wireless communication interface (antenna Page 4 or wireless interface card) is an inherent component in a wireless device to communicate with wireless server), a buffer memory for storing instruction for executing the data received by said at least one wireless user terminal (col. 8, line 10, storage memory is an inherent component in a wireless device for storing data received from mobile server); a processor in communication with said buffer memory for executing instruction stored in said buffer memory (col. 8, line 10., processor is an inherent component of a mobile device); and a display for viewing the data received from said portable server (col. 8, line 10', display is an inherent component of a mobile device).

As per claims 3 and 31, Fishman discloses server further comprises: a mass memory module for storing data used by said at least one wireless user terminal (33, fig. 1., col. 7, lines 29-30., hard disk stores server data); a processor in communication with said mass memory module that executes requests for data by said at least one wireless user terminal and locates data in said mass memory module (col. 7, line 1., processing unit processes all transactions in the server); and a wireless communication interface for communicating data between said mass memory module and said at least one wireless user terminal (53, fig. 1, col. 7, line 66., mobile gateway has a wireless interface to communicate with wireless clients).

As per claims 6 and 34, Fishman teaches the system comprising an optional

USB plug for connecting said portable wireless server to a personal computer (col. 7, lines 41-42).

As per claims 10-11 and 38-39, Fishman teaches the wireless user terminal is a cellular telephone (col. 8, line 10)., wherein said at least one wireless terminal device comprises a plurality of wireless terminals in communication with and receiving data from said portable server (col. 8, lines 9-11., col. 11 , lines 1-5), second mobile gateway (279, fig. 2) is a wireless client of first mobile gateway (250, fig. 2), all mobile gateways have plurality of wireless clients).

As per claims 12-13 and 40-41 , Fishman teaches mass memory is either a device (29 fig. 2\* col. 7 lines 29-31)., mass memory module is magnetic storage device, an optical storage device, or solid state storage device that is exchangeable (29, fig. 2., col. 7, lines 29-31., floppy disk drive is removable and/or exchangeable).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-9 and 35-37 rejected under 35 U.S.C. 103(a) as being unpatentable over Fishman.

As per claims 7-8 and 35-36, Fishman does not explicitly teach the system further includes optional plugs as data and power cables connection between said at

least one wireless user terminal and said portable server. Backup or redundancy is well known in the art to provide alternative means for devices to communicate with each other.

Hence, it would have been obvious to one of ordinary skill in the art to provide alternative means for the wireless device to communicate directly to the server via cable when the wireless signal in a building is weak. Also, the alternative power connection to the server allows the mobile device to conserve energy when the device is physically close to the server.

As per claims 9 and 37, Fishman does not explicitly teach the optional cable for both power and data transfer between said portable wireless server and said at least one wireless user terminal. It is well known in the art a cable can serve different multi-purposes. Hence, it would have been obvious to one of ordinary skill in the art to use a multi-purpose cable to limit the number of cables connected to the server.

7. Claims 4 and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Fishman in view of Flom et al, US éub 2001/0054087 (Flom hereafter).

As per claims 4 and 32, Fishman does not explicitly teach using Bluetooth to transmit data by wireless device. Flom teaches a wireless device using communication means such as Bluetooth to transmit data wirelessly (paragraph 0013). Hence, it would have been obvious to one of ordinary skill in the art to use Bluetooth over shod-range wireless communications to save on overhead costs.

***Response to Arguments***

8. Applicant's arguments have been fully considered but they are not persuasive.

In substance, the applicant argues that Fishman discloses that the mobile gateway is not easily or conveniently moved (col 4, lines 18-28).

In response, if the cited portion of Fishman is taken in its entirety, it will be apparent that Fishman in fact discloses portable wireless devices such as cellular phones and pdas. The cited portion of the prior art merely states that the art is "not necessarily limited to" portable devices but in many embodiments can and have been used as such. Therefore, Fishman not only discloses the applicant's invention as claimed, but also other embodiments.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

***Conclusion***



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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asad M. Nawaz whose telephone number is (571) 272-3988. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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